

Notice of Allowability

Application No.

10/790,844

Examiner

Samir M. Shah

Applicant(s)

ROLLWAGE ET AL.

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/29/2006.
2. ☒ The allowed claim(s) is/are 1,2,4-11 and 13-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

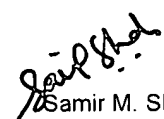
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Samir M. Shah

REASONS FOR ALLOWANCE

1. Claims 1, 2, 4-11 and 13-20 are allowed.
2. The following is an examiner's statement of reasons for allowance:
 - (a) As to claims 1 and 10, note is made only of the limitation "wherein the sound guide conduit (2) comprises a horizontal or oblique forward-flow region (11)" in combination with the rest of the limitations in the claims.
 - (b) The closest reference Sawert et al. (US Patent 6,951,131 B2 henceforth "Sawert") discloses a "fuel level indication assembly" (10) for measuring the level of a fluid in a container/fuel tank (12) of a motor vehicle, the container/fuel tank (12) including a sound guide conduit/guide housing (26) disposed in the container/fuel tank (12), a fluid feeding device/fuel delivery module (14) in the container/fuel tank (12), and at least one ultrasonic transducer (36, 38) disposed near one end of the sound guide conduit/guide housing (26) for generating ultrasonic pulses and for receiving the ultrasonic pulses reflected in the region of the surface of the fluid in the container/fuel tank (12), the improvement wherein the sound guide conduit/guide housing (26) and the ultrasonic transducer (36, 38) are disposed in the container/fuel tank (12) on an outer circumference of the fluid feeding device/fuel delivery module (14) (figure 1; abstract; column 3, lines 1-48).

Sawert further discloses the sound guide conduit/guide housing (26) comprises a horizontal or oblique forward-flow region disposed near the container/fuel tank (12) bottom, and wherein the forward-flow region is straight or looped (figure 4; column 5, lines 29-59).

However, Sawert's provisional application 60/408,626, which is relied upon for the filing date 09/06/2002, does not provide support for the horizontal or oblique forward-flow region as disclosed by Sawert in figure 4 of the issued patent (US Patent 6,951,131 B2). Therefore, Sawert does not qualify as a prior-art reference.

(c) The closest secondary reference Boscolo (US Patent 4,675,660 henceforth "Boscolo") discloses in a patent titled "Container liquid level sensing utilizing a filling tube" a container (10); a sound guide conduit/filler tube (12)/cardboard tube (11) disposed in the container (column 4, lines 6-9); a fluid feeding device/filler tube (12) in the container (figures 1 and 4); and at least one ultrasonic/transmitter (15)/receiver (16) transducer disposed near one end of the sound guide conduit/filler tube (12)/cardboard tube (11) for generating ultrasonic pulses and for receiving the ultrasonic pulses reflected in the region of the surface of the fluid in the container (10) (column 2, lines 5-12, lines 24-28); the improvement wherein the ultrasonic transducer/transmitter transducer (15) is disposed in the container (10) on an outer circumference of the fluid feeding device/filler tube (12) in the container (figures 1, 4).

However, Boscolo fails to disclose the sound guide conduit/filler tube (12)/cardboard tube (11) with a horizontal or oblique forward-flow region.

(d) Therefore, the prior art neither teaches nor provides the motivation to combine the above mentioned limitation in combination with the rest of the limitations in the claims.

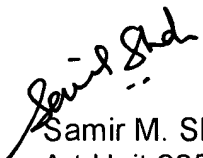
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Samir M. Shah
Art Unit 2856
12/25/2006


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